

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GENARO RICHARD PERRY,

Petitioner,

v.

WARDEN GABRIELA NAJERA,

Respondent.

Case No. 2:23-cv-00311-GMN-EJY
Case No. 2:23-cv-00396-RFB-VCF

Order

Genaro Richard Perry submitted a *pro se* 28 U.S.C. § 2254 habeas corpus petition. (ECF No. 1-1.) He did not file an application to proceed *in forma pauperis* or pay the filing fee, though he filed a notice in which he explained that he had submitted an inmate account transaction request asking Nevada Department of Corrections Inmate Services to send the \$5.00 filing fee to the court. (ECF No. 3.) About two weeks after Perry filed the notice, he sent an application to proceed *in forma pauperis*, the filing fee, and a motion for appointment of counsel to the court. However, he did not include the case number, and therefore, the Clerk of Court opened a new action— case no. 2:23-cv-00396-RFB-VCF. Accordingly, the court directs the Clerk to apply the fee to case no. 2:23-cv-311 and to file the application to proceed *in forma pauperis* and the motion for appointment of counsel that are currently in case no. 2:23-cv-00396 in case no. 2:23-cv-311.

IT IS THEREFORE ORDERED that the Clerk of Court apply the fee paid in case no. 2:23-cv-00396 (see ECF No. 1) to case no. 2:23-cv-00311.

1 **IT IS FURTHER ORDERED** that the Clerk of Court **FILE** petitioner's application
2 to proceed *in forma pauperis* (ECF No. 2) and motion for appointment of counsel (ECF
3 No. 3) that are currently filed in case no. 2:23-cv-00396 in 2:23-cv-00311.

4 **IT IS FURTHER ORDERED** that the Clerk **terminate** the two motions filed in
5 case no. 2:23-cv-00396 (ECF Nos. 2, 3).

6 **IT IS FURTHER ORDERED** that the Clerk **administratively close** case no.
7 2:23-cv-00396.

8 **IT IS FURTHER ORDERED** that the Clerk **send** a copy of this order to the U.S.
9 District Court for the District of Nevada Finance Division.

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11 DATED: 17 April 2023.

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15 GLORIA M. NAVARRO
16 UNITED STATES DISTRICT JUDGE
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